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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,197	04/12/2001	Asko Komsu	NC30519	3940

26933 7590 02/12/2004

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EXAMINER

BEHULU, ALEMAYEHU

ART UNIT

PAPER NUMBER

2682

4

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/834,197

**Applicant(s)**

KOMSI

**Examiner**

Alemayehu Behulu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8, 14-27 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 9-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 10, paragraph [00049], “the finger 211” should be “the finger 311”, on page 10, paragraph [00049], “the pencil 213” should be “the pencil 313”, on page 19, paragraph [00077], “the mobile station 650” has no connection with the figure, on page 19, paragraph [00079], “the mobile station 602” has no connection with the figure.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to because “fig. 6d” should be change to “fig. 6c”. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claims 16 and 19 are objected to because of the following informalities: Both claims are identical except for the numbering. The office suggests that claim 19 should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 14, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hardouin (U.S. Patent No. 6, 311, 078).

Regarding claim 1, Hardouin discloses a user status device for a mobile station having at least one wireless transceiver (figure 1, 106) comprising: a proprioceptive sensor having a state (figure 1, number 129); and at least one mobile station conduit coupled to the proprioceptive sensor for carrying a signal of the proprioceptive sensor to the mobile station (figure 1, 115).

Regarding claim 14, Hardouin discloses a method to control an entity in a mobile station having at least one wireless transceiver (figure 1, 106) comprising the steps of detecting an acceleration vector of proprioceptive sensor (figure 1, number 129); and transmitting a message through the at least one wireless transceiver based on the acceleration vector (figure 1, numbers 101, 103 and 104 and column 1, lines 56-column 2, lines 3).

Regarding claim 16, Hardouin disclose the method of claim 14 wherein the entity has a set of instructions and the message comprises the set of instructions (figure 2, number 207 and 208).

Regarding claim 17, Hardouin discloses the method of claim 14 further comprising the step of making a feedback sound (column 2, lines 19-32).

Regarding claim 18, Hardouin discloses the method of claim 14 further comprising the step of making a feedback vibration (figure 1, number 118).

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Regarding claim 19, Hardouin disclose the method of claim 14 wherein the entity has a set of instructions and the message comprises the set of instructions (figure 2, number 207 and 208).

Regarding claim 20, Hardouin discloses a method to send a feedback contextual response to a calling voice device comprising the steps of detecting one acceleration during a time interval (figure 2, number 206, column 1, lines 24-41 and column 1, lines 65-column 2, lines 17), detecting and incoming call signal from calling device (figure 2, number 204, column 1, lines 24-41 and column 2, lines 4-7), selecting an announcement based on the at least one acceleration, and transmitting the announcement (figure 2, number 207 and column 2, lines 4-26).

5. Claims 1 and 14-17, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hess (U.S. Patent No. 6, 487, 421).

Regarding claim 1, Hess discloses a user status device for a mobile station having at least one wireless transceiver (figure 2, number 8 and column 2, lines 35-43) comprising: a proprioceptive sensor having a state (figures 1 and 2, number 10 and column 5, lines 24-40 ); and at least one mobile station conduit coupled to the proprioceptive sensor for carrying a signal of the proprioceptive sensor to the mobile station (figures 1 and 2, number 13 and column 5, lines 30-40).

Regarding claim 14, Hess discloses a method to control (figure 2, number 17) an entity in a mobile station having at least one wireless transceiver (figures 1 and 2, number 8) comprising the steps of detecting an acceleration vector of proprioceptive sensor (figures 1 and 2, number 10 and column 3, lines 15-35 and column 5, lines 41-60); and transmitting a message through the at

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least one wireless transceiver based on the acceleration vector (figure 2, number 30 and column 5, lines 61-column 6, lines 4).

Regarding claim 15, Hess discloses the method of claim 14 wherein the message comprises at least one machine instruction (figure 4): a proprioceptive sensor having an orientation state (figures 1 and 2, number 10 and column 3, lines 30-35); at least one mobile station conduit coupled to the proprioceptive sensor (figures 1 and 2, number 13 and column 5, lines 30-40).

Regarding claim 16, Hess discloses the method of claim 14 wherein the entity has a set of instructions (figure 4, refer to "MENU and INPUT MODE") and the message comprises the set of instructions (figure 4, refer to "INPUT NUMBER, INPUT CHARACTER, INPUT SHORT MESSAGE, and INPUT GRAPHICS").

Regarding claim 17, Hess discloses the method of claim 14 further comprising the step of making a feedback sound (figure 2, number 26 and column 5, lines 61-column 6, lines 4 and figure 3, number 43).

Regarding claim 19, Hess discloses the method of claim 14 wherein the entity has a set of instructions (figure 4, refer to "MENU and INPUT MODE") and the message comprises the set of instructions (figure 4, refer to "INPUT NUMBER, INPUT CHARACTER, INPUT SHORT MESSAGE, and INPUT GRAPHICS").

Regarding claim 22, Hess discloses the method of claim 19, further comprising the step of determining if the average acceleration is within a tolerance of a neutral position acceleration vector (column 3, lines 15-33).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardouin (U.S. Patent No. 6, 311, 078) further in view of Bowen (U.S. Patent No. 5, 224, 151).

Regarding claim 4, Hardouin discloses the user status device of claim 1 with the proprioceptive sensor (figure 1, number 129). However, Hardouin fails to disclose a reflection detector. But, Bowen discloses a reflection detector (figure 1, number 102 and column 2, lines 10-25).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Hardouin (U.S. Patent No. 6, 311, 078) with Bowen (U.S. Patent No. 5, 224, 151) in order to automatically switch between modes (as suggested by Bowen).

Regarding to claim 5, the combination of Hardouin and Bowen disclose the user status device of claim 4, wherein the mobile station has a processor (see Hardouin figure 1, number 101, note: the office interprets a processor as a control Unit) and at least a key (see Hardouin figure 1, number 105), and wherein the state comprises an orientation state (see Hardouin figure 1, number 129).

Regarding claim 6, the combination of Hardouin and Bowen disclose the user status device of claim 5 wherein the orientation state comprises a reflect state wherein reflection detector detects a reflection signal above a magnitude (see Bowen figure 4, label d, column 2, lines 10-21, figure 7, blocks 707-725 and column 4, lines 55-68).

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Regarding to claim 7, the combination of Hardouin and Bowen disclose the user status device of claim 5 wherein the orientation state comprises a neutral state wherein reflection detector detects a reflection signal below a magnitude (see Bowen figure 4, label d, column 2, lines 10-21, figure 7, blocks 707-717 and column 4, lines 55-68).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardouin (U.S. Patent No. 6, 311, 078) and Bowen (U.S. Patent No. 5, 224, 151) further in view of Nichols (U.S. Patent (6, 067, 046)).

Regarding claim 8, the combination of Hardouin and Bowen disclose the user status device of claim 4 with reflection detector (see Bowen figure 1, number 102 and column 2, lines 10-25) further comprises: a directional transmitter transmitting in at least one direction (see Hardouin figure 1, number 104), a directional receiver (see Hardouin figure 1, number 102 and column 2, lines 4-24). However, Hardouin and Bowen fail to disclose a pendulum. But, Nichols discloses pendulum (column 4, lines 18-29). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Hardouin (U.S. Patent No. 6, 311, 078) and Bowen (U.S. Patent No. 5, 224, 151) with Nichols (U.S. Patent (6, 067, 046)) in order to always detect the accurate movement of the device in use.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardouin (U.S. Patent No. 6, 311, 078) further in view of Matsuda (U.S. Pub. No. 2001/0014616).

Regarding claim 15, Hardouin discloses the method of claim 14 wherein the message comprises at least one machine instruction (figure 2, number 206): at least one mobile station conduit coupled to the proprioceptive sensor (figures 1 and 2, number 115). However, Hardouin fail to



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disclose a proprioceptive sensor having an orientation state. But, Matsuda discloses a proprioceptive sensor having an orientation state (paragraph [0067]). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Hardouin (U.S. Patent No. 6, 311, 078) with Matsuda (U.S. Pub. No. 2001/0014616) in order to assist the user for using the right orientation at the right time.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess (U.S. Patent No. 6, 487, 421) further in view of Kim (U.S. Patent No. 6, 560, 467).

Regarding claim 18, Hess discloses the method of claim 14. However, Hess fails to disclose feedback vibration. But, Kim discloses vibration (figure 1 number 40 and column 2, lines 20-60). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Hess (U.S. Patent No. 6, 487, 421) with Kim (U.S. Patent No. 6, 560, 467) in order to notify the user of incoming call both audibly and visibly as suggested by Kim.

10. Claims 21, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardouin (U.S. Patent No. 6, 311, 078).

Regarding claims 21, 23-24 Hardouin discloses the method of claim 20 wherein the step of detecting at least one acceleration further comprises detecting at least two accelerations (column 2, lines 17-20, lines 52-column 3, lines 15). However, Hardouin fails to disclose detecting an average acceleration based on the at least two accelerations. However, detecting average acceleration is known in the art. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of the invention was made to have the average of the two acceleration values in order to have a better measurement of acceleration over a predetermined period of time.

Regarding claim 22, see Hardouin (column, lines 28-35).

Regarding claim 24, Hardouin discloses the method of claim 21 further comprising the step of selecting the announcement based on the second the at least one acceleration (figure 2, numbers 206 and 207).

Regarding claim 25, Hardouin discloses the method of claim 24 wherein announcement is sound (figure 1, number 117 and lines 20-26).

Regarding claim 26, Hardouin discloses the method of claim 24 wherein announcement is a text (figure 1, number 116 column 2 and lines 20-26).

Regarding claim 27, Hardouin discloses the method of claim 24 wherein announcement is a mode (column 2 and lines 20-26, note: text and voice are part of a mode).

### ***Allowable Subject Matter***

**II.** Claims 2, 3, 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pinder (U.S. Patent No. 5, 758, 267) Method and Apparatus for Orientation Controlled Parameter Selection

Sakajiri (U.S. Patent No. 6, 442, 404) Portable Telephone

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828.

The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-746-3501.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AB

*Nguyen VO*  
2-9-04

NGUYENT.VO  
PRIMARY EXAMINER